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April 21, 2023

VIA ECF

Hon. Cathy Seibel
The Hon. Charles Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: Doe v. Bard College, 7:22-cv-7258 (CS)

Dear Judge Seibel:

This letter serves as a brief reply on Bard's April 20, 2023 letter motion. *See* ECF No. 48. Plaintiff's objection to sealing the proposed amended complaint (ECF No. 39-1) is inconsistent with the letter and spirit of this Court's January 5 Order sealing the Complaint. *See* ECF No. 47. This Court properly exercised its discretion in sealing the Complaint in its entirety rather than directing Plaintiff to file the proposed amended complaint, particularly given Plaintiff's abrupt discontinuance, which prevented Bard and the non-parties from disputing the salacious allegations contained in the Complaint and the proposed amended complaint. *See* ECF Nos. 45 and 47. And contrary to Plaintiff's suggestion that this Court did not make sufficient findings in support of sealing the Complaint, it is clear from the January 5 Order, which referenced the December 5, 2022 bench ruling, that this Court properly exercised its discretion in sealing the Complaint.

Since allowing the proposed amended complaint to remain publicly available would undermine the January 5 Order, and sealing is justified for the same reasons this Court issued the January 5 Order, Bard respectfully submits that this Court should exercise its discretion to seal the proposed amended complaint.

We are available at the Court's convenience should it require any additional information. We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Nicholas J. Faso

Nicholas J. Faso

cc: All counsel of record via ECF.